

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2003 Legislative Session

Legislative Day # 8

BILL NO. 2003- 07

Introduced by: Charles County Commissioners

AN ACT concerning

Sheriff's Office Merit System

Date introduced: 07/21/2003

Public Hearing 08/04/2003

Commissioners Action: 08/04/2003 Enact

Commissioner Votes: WC: Yes , RF: Yes , ML: Yes , DM: Yes , AS: Yes

Pass/Fail: Pass

Effective Date: 09/18/2003

Remarks: _____

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2003 Legislative Session

Bill No. 2003-07

Chapter. No. 210

Introduced by Board of County of Commissioners

Date of Introduction July 21, 2003

BILL

1 AN ACT concerning

2 **Sheriff's Office Merit System**

3
4 FOR the purpose of

5 Establishing a merit system, administered by the Sheriff, for all sworn, correctional and
6 civilian employees of the Charles County Sheriff's Office.

7
8 BY repealing and reenacting

9 Chapter 210, Article 1 of the Charles County Code:

10
11 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF
12 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as
13 follows:

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ARTICLE I

§210-1 SCOPE AND EFFECT

THE PURPOSE OF THE MERIT SYSTEM IS TO ESTABLISH AND SET FORTH A UNIFORM SYSTEM FOR COMPETITIVE, PERFORMANCE BASED HIRING, PROMOTION AND RETENTION OF EMPLOYEES FOR THE CHARLES COUNTY SHERIFF'S OFFICE.

A. NO PERSON MAY BE HIRED TO, PROMOTED TO, OR EXPERIENCE A CHANGE OF PAY WITHIN A MERIT SYSTEM POSITION EXCEPT IN ACCORDANCE WITH MERIT SYSTEM RULES.

B. EXCLUSIONS:

1. PROBATIONARY EMPLOYEES SERVE IN AN AT-WILL STATUS AND DO NOT BECOME MERIT SYSTEM EMPLOYEES UNTIL THEY HAVE ATTAINED REGULAR STATUS.

2. PART-TIME, TEMPORARY, CONTRACTUAL AND EMERGENCY EMPLOYEES ARE NOT PART OF THE MERIT SYSTEM.

3. INDIVIDUALS IN APPOINTED POSITIONS SERVE IN AN AT-WILL STATUS AND ARE NOT PART OF THE MERIT SYSTEM. INDIVIDUALS SERVING IN APPOINTED POSITIONS MAY BE DISMISSED, DEMOTED OR REASSIGNED AT THE SOLE DISCRETION OF THE SHERIFF.

C. EMPLOYEES IN GRANT FUNDED POSITIONS ARE WITHIN THE MERIT

1 SYSTEM, ASSUMING THEY MEET THE QUALIFICATIONS OF THEIR
2 PROBATIONARY PERIOD, WITH THE EXCEPTION THAT THEY MAY BE
3 SEPARATED WITHOUT CAUSE BASED UPON THE LOSS OF GRANT FUNDING
4 AND ANY OTHER SPECIAL PROVISIONS SET FORTH IN THE GRANT
5 FUNDING AGREEMENT.

6
7 **§210-2 AUTOMATIC INCLUSION**

8
9 ALL EMPLOYEES OF THE OFFICE OF THE SHERIFF WHO WERE MERIT SYSTEM
10 EMPLOYEES UNDER THE MERIT SYSTEM IN EFFECT ON THE DAY BEFORE THE
11 EFFECTIVE DATE OF THIS ARTICLE RETAIN THEIR MERIT STATUS UNDER THIS
12 ARTICLE.

13
14 ANY EMPLOYEE BROUGHT INTO THE MERIT SYSTEM UNDER THIS SUBSECTION

15
16 (1) IS INCLUDED WITHOUT THE NEED TO REAPPLY OR SUBMIT TO
17 FURTHER TESTING; AND

18
19 (2) SHALL BE GIVEN FULL CREDIT FOR PRIOR SERVICE; AND

20
21 (3) WILL REMAIN IN THE MERIT SYSTEM UNTIL RESIGNATION,
22 RETIREMENT, DISMISSAL FOR CAUSE, OR PROMOTION OR
23 APPOINTMENT TO A POSITION OUTSIDE THE MERIT SYSTEM.

24
25 **§210-3 DEFINITIONS**

26
27 **APPOINTING AUTHORITY** - THE AUTHORITY TO HIRE, DISMISS, PROMOTE,
28 TRANSFER AND MAKE SUCH OTHER EMPLOYMENT DECISIONS CONCERNING

1 POSITIONS WITHIN, AND IN ACCORDANCE WITH, THE RULES OF THE MERIT
2 SYSTEM. THE SHERIFF IS THE APPOINTING AUTHORITY FOR ALL MERIT SYSTEM
3 AND NON-MERIT SYSTEM POSITIONS.

4
5 **APPOINTED POSITIONS** - REGULAR FULL TIME POSITIONS, OUTSIDE THE MERIT
6 SYSTEM, WHICH ARE STAFFED THROUGH AN AT-WILL EMPLOYMENT
7 RELATIONSHIP. EMPLOYEES IN APPOINTED POSITIONS, SERVE AT THE PLEASURE
8 OF THE SHERIFF AND MAY BE DISMISSED WITH OR WITHOUT CAUSE.
9 APPOINTED POSITIONS INCLUDE THE ASSISTANT SHERIFF, OFFICERS APPOINTED
10 TO THE RANKS OF LIEUTENANT COLONELS, MAJORS, CAPTAINS, AND THE
11 DIRECTOR OF ADMINISTRATIVE SERVICES, THE DIRECTOR OF THE CHARLES
12 COUNTY DETENTION CENTER AND OTHERS AS ADDED OR DELETED BY THE
13 SHERIFF.

14
15 **CLASSIFICATION** - THE PROCESS OF REVIEWING THE DUTIES AND
16 RESPONSIBILITIES OF A POSITION AND INCORPORATING THESE DUTIES AND
17 RESPONSIBILITIES INTO A POSITION DESCRIPTION.

18
19 **CONTRACTUAL EMPLOYEE** - AN INDIVIDUAL WHO, UNDER A WRITTEN
20 AGREEMENT, PROVIDES TEMPORARY PERSONAL SERVICES TO THE OFFICE OF
21 THE SHERIFF FOR PAY, WHO IS NOT EMPLOYED IN A BUDGETED POSITION, AND
22 WHO HAS AN EMPLOYER-EMPLOYEE RELATIONSHIP WITH THE OFFICE OF THE
23 SHERIFF, IN WHICH THE OFFICE OF THE SHERIFF FURNISHES THE NECESSARY
24 TOOLS AND A PLACE TO WORK, HAS THE RIGHT TO CONTROL AND DIRECT THE
25 DETAILS, MEANS, AND RESULTS OF THE PERFORMANCE OR SERVICES AND HAS
26 THE RIGHT TO DISCHARGE THE INDIVIDUAL FROM EMPLOYMENT.

27
28 **DEMOTION** - THE MOVEMENT OF A MERIT SYSTEM EMPLOYEE FROM THE

1 CURRENTLY OCCUPIED PAY GRADE OR RANK TO A LOWER PAY GRADE OR
2 RANK.

3
4 **ELIGIBILITY LIST** - A LIST OF PERSONS WHO HAVE SATISFACTORILY COMPLETED
5 ALL OF THE REQUIREMENTS NECESSARY TO BECOME ELIGIBLE FOR
6 APPOINTMENT OR PROMOTION TO A MERIT SYSTEM POSITION.

7
8 **EMERGENCY EMPLOYEE** -AN EMPLOYEE SERVING IN AN AT WILL, TEMPORARY
9 RELATIONSHIP WITH THE OFFICE OF THE SHERIFF, WHICH MAY ONLY BE
10 ACTIVATED IN THE EVENT OF AN IMMEDIATE NEED FOR AN INDIVIDUAL WITH
11 SPECIALIZED SKILLS OR KNOWLEDGE. AN EMERGENCY EMPLOYEE IS NOT PART
12 OF THE MERIT SYSTEM.

13
14 **EMPLOYEE** - ONE EMPLOYED BY THE CHARLES COUNTY SHERIFF'S OFFICE FOR
15 WAGES OR SALARY, IN AN AT WILL OR REGULAR POSITION WHERE THE OFFICE
16 OF THE SHERIFF HAS THE RIGHT AND THE ABILITY TO DIRECT THE INDIVIDUAL'S
17 CONDUCT AND WORK PERFORMANCE.

18
19 **FIELD PROMOTION** - THE ADVANCEMENT OF A MERIT SYSTEM EMPLOYEE TO
20 A RANK OR PAY GRADE HIGHER THAN THE ONE CURRENTLY OCCUPIED BY
21 THAT EMPLOYEE AS A RESULT OF A PARTICULARLY HEROIC, MERITORIOUS,
22 VALIANT OR COURAGEOUS ACT ON THE PART OF THE EMPLOYEE.

23
24 **GRANT FUNDED POSITIONS** - POSITIONS WHICH ARE FUNDED IN PART OR IN
25 TOTAL BY FEDERAL/STATE FUNDS, THE CONTINUATION OF WHICH MAY BE
26 STRICTLY DEPENDENT ON THAT FUNDING.

27
28 **MERIT SYSTEM** - THE NAME GIVEN TO THE CLASSIFIED SYSTEM WHICH

1 INCLUDES THE REGULATIONS AND PROCEDURES PRESCRIBED IN AND
2 PROMULGATED UNDER THE AUTHORITY OF THIS ARTICLE, THE DIRECTOR OF
3 ADMINISTRATIVE SERVICES, THE CHARLES COUNTY SHERIFF'S OFFICE
4 ADMINISTRATIVE AND OPERATIONAL MANUAL, POSITION DESCRIPTIONS, THE
5 CHARLES COUNTY SHERIFF'S OFFICE PAY PLAN AND ALL CHARLES COUNTY
6 SHERIFF OFFICE EMPLOYEES WHO ARE INCLUDED IN THE MERIT SYSTEM OF THE
7 CHARLES COUNTY SHERIFF'S OFFICE UNDER THIS ARTICLE.

8
9 **MERIT SYSTEM POSITIONS**- ALL REGULAR FULL TIME POSITIONS, WITHIN THE
10 OFFICE OF THE SHERIFF, EXCEPT THAT OF THE SHERIFF, ASSISTANT SHERIFF,
11 OFFICERS APPOINTED TO THE RANKS OF LIEUTENANT COLONEL, MAJOR,
12 CAPTAIN, AND THE DIRECTOR OF ADMINISTRATIVE SERVICES, THE DIRECTOR
13 OF THE CHARLES COUNTY DETENTION CENTER, PROBATIONARY EMPLOYEES,
14 STUDENT OFFICERS, CONTRACTUAL EMPLOYEES, TEMPORARY EMPLOYEES, AND
15 EMERGENCY EMPLOYEES.

16
17 **PAY PLAN** - THE WRITTEN SALARY SCALES PLACING EVERY POSITION IN A PAY
18 GRADE. EACH PAY GRADE CONSISTS OF A MAXIMUM AND MINIMUM LEVEL
19 AND INTERMEDIATE LEVELS OF PAY.

20
21 **REGULAR STATUS** - THE STANDING GIVEN TO MERIT SYSTEM EMPLOYEES WHO
22 HAVE SATISFACTORILY COMPLETED THEIR PROBATIONARY PERIOD OF
23 EMPLOYMENT. REGULAR STATUS SHALL NOT BE EFFECTIVE UNTIL CONVEYED
24 IN WRITING BY THE APPOINTING AUTHORITY.

25
26 **POSITION** - A GROUP OF DUTIES AND RESPONSIBILITIES ASSIGNED TO ONE (1)
27 EMPLOYEE. A POSITION MAY BE VACANT OR OCCUPIED.

1 **POSITION DESCRIPTION** - A WRITTEN EXPLANATION OF ONE (1) POSITION OR
2 A NUMBER OF POSITIONS WITH THE SAME DUTIES AND RESPONSIBILITIES,
3 ESSENTIAL FUNCTIONS AND TITLE FOR THE POSITION. A POSITION
4 DESCRIPTION MAY CONTAIN THE MINIMUM QUALIFICATIONS AND
5 PERFORMANCE SPECIFICATIONS APPLICABLE.

6
7 **PROBATIONARY EMPLOYEE** - AN EMPLOYEE SERVING IN AN AT-WILL
8 RELATIONSHIP WITH THE OFFICE OF THE SHERIFF, PENDING SUCCESSFUL
9 COMPLETION OF THE EMPLOYEE'S TRAINING AND PROBATIONARY PERIOD.

10
11 **PROMOTION** - THE ADVANCEMENT OF A MERIT SYSTEM EMPLOYEE TO A RANK
12 OR PAY GRADE HIGHER THAN THE ONE CURRENTLY OCCUPIED BY THAT
13 EMPLOYEE.

14
15 **RANK** - THE DESIGNATION UTILIZED TO IDENTIFY THE LEVEL OF AUTHORITY
16 FOR SWORN, CORRECTIONS AND POLICE COMMUNICATIONS OFFICERS WITHIN
17 THE AGENCY CHAIN OF COMMAND AND TO DESIGNATED PLACEMENT ON THE
18 RESPECTIVE AGENCY PAY PLAN.

19
20 **RECLASSIFICATION** - THE PROCESS OF REVIEWING THE DUTIES AND
21 RESPONSIBILITIES OF AN EXISTING POSITION IN ORDER TO REVISE THE POSITION
22 DESCRIPTION OR MOVING A POSITION DESCRIPTION FROM ONE PAY GRADE OR
23 RANK TO ANOTHER PAY GRADE OR RANK.

24
25 **RESIGNATION** - THE FORMAL RENOUNCEMENT OR RELINQUISHMENT OF
26 EMPLOYMENT WITH THE OFFICE OF THE SHERIFF OTHER THAN RETIREMENT.

1 **RETIRE** - TO COMPLETE A SPECIFIED TERM OF SERVICE OR MEET THE
2 REQUIREMENTS OF THE DISABILITY REVIEW BOARD FOR RETIREMENT AND
3 FORMALLY TERMINATE SERVICE WITH THE CHARLES COUNTY SHERIFF'S OFFICE
4 MAKING THE INDIVIDUAL ELIGIBLE FOR RETIREMENT BENEFITS.

5
6 **RIGHT OF RETREAT** - A SWORN OR CORRECTIONAL OFFICER'S ABILITY TO
7 RECLAIM THE EMPLOYEE'S LAST PERMANENT RANK WITHIN THE MERIT SYSTEM
8 WHEN THE EMPLOYEE IS REMOVED FROM OR FAILS TO COMPLETE THE
9 PROBATIONARY STANDARDS OF THE EMPLOYEES CURRENT RANK.

10
11 **TRANSFER** - THE MOVEMENT OF A MERIT SYSTEM EMPLOYEE FROM ONE
12 POSITION TO ANOTHER AT THE SAME PAY GRADE OR RANK.

13
14 **VOLUNTARY DEMOTION** - WHEN A MERIT SYSTEM EMPLOYEE REQUESTS A
15 TRANSFER TO AND ACCEPTS A POSITION WITHIN THE MERIT SYSTEM AT A
16 LOWER PAY GRADE OR RANK THAN THE POSITION THE EMPLOYEE CURRENTLY
17 OCCUPIES.

18 19 **210-4 SHERIFF'S RESPONSIBILITIES**

20
21 THE SHERIFF, IN ACCORDANCE WITH §125 OF THE CODE, WILL DEVELOP AND
22 IMPLEMENT AN ADMINISTRATIVE AND OPERATIONAL MANUAL, WHICH SHALL
23 SET FORTH THE RULES AND REGULATIONS GOVERNING MERIT SYSTEM
24 EMPLOYEES. COPIES OF ALL MERIT SYSTEM RULES AND REGULATIONS WILL BE
25 MADE AVAILABLE TO ALL MERIT SYSTEM EMPLOYEES

1 **§210-5 DIRECTOR OF ADMINISTRATIVE SERVICES**
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3 A. THE DIRECTOR OF ADMINISTRATIVE SERVICES WILL BE APPOINTED BY
4 AND SERVE AT THE PLEASURE OF THE SHERIFF. THE DIRECTOR OF
5 ADMINISTRATIVE SERVICES MAY BE REMOVED AND REPLACED AT ANY
6 TIME BY THE SHERIFF, WITH OR WITHOUT CAUSE.

7
8 B. THE DIRECTOR OF ADMINISTRATIVE SERVICES, WITH THE APPROVAL OF
9 THE SHERIFF, SHALL BE RESPONSIBLE FOR PREPARING SUCH RULES AND
10 REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF
11 THIS ARTICLE.

12
13 C. THE DIRECTOR OF ADMINISTRATIVE SERVICES IS HEREBY DESIGNATED TO
14 OVERSEE THE ADMINISTRATION OF THE HUMAN RESOURCES FUNCTION
15 AND TO ASSIST THE SHERIFF WITH THE IMPLEMENTATION AND
16 OPERATION OF THE MERIT SYSTEM. THE DUTIES AND RESPONSIBILITIES
17 OF THE DIRECTOR OF ADMINISTRATIVE SERVICES SHALL BE SET FORTH IN
18 THE ADMINISTRATIVE AND OPERATIONAL MANUAL. THESE DUTIES
19 SHALL INCLUDE BUT ARE NOT LIMITED TO ORGANIZATIONAL
20 STRUCTURE, CLASSIFICATION AND RECLASSIFICATION OF POSITIONS,
21 POSITION DESCRIPTIONS, MAINTENANCE OF PERSONNEL FILES, PRE-
22 EMPLOYMENT TESTING AND SCREENING, TRAINING AND DEVELOPMENT,
23 PROMOTION, ASSIGNMENT, TRANSFER, DEMOTION, DISMISSAL,
24 RETIREMENT, MANAGEMENT OF FRINGE BENEFITS AND LIAISON TO THE
25 COUNTY COMMISSIONER'S OFFICE OF HUMAN RESOURCES.

1 **§210-6 HIRING/APPOINTMENT PROCEDURES**
2

3 A. ALL HIRING POSITIONS WITHIN THE MERIT SYSTEM WILL BE
4 ACCOMPLISHED BY COMPETITIVE PROCESS AS SET FORTH IN THE
5 ADMINISTRATIVE AND OPERATIONAL MANUAL OF THE OFFICE OF THE
6 SHERIFF.

7
8 B. ALL APPLICANTS FOR BOTH MERIT AND NON-MERIT POSITIONS MAY BE
9 SUBJECT TO A BACKGROUND INVESTIGATION, PHYSICAL, MENTAL,
10 WRITTEN AND ORAL TESTING, AND SUCH OTHER SCREENING DEVICES AS
11 THE SHERIFF MAY DEEM NECESSARY TO DETERMINE THAT APPLICANTS
12 HAVE THE ABILITY TO PERFORM THE ESSENTIAL FUNCTIONS OF THE
13 POSITION.

14
15 C. QUALIFIED APPLICANTS WILL BE PLACED UPON AN ELIGIBILITY LIST. THE
16 ELIGIBILITY LIST WILL BE EFFECTIVE UPON ITS ESTABLISHMENT AND MAY
17 BE DRAWN UPON BY THE SHERIFF UNTIL A NEW HIRING CYCLE IS BEGUN.
18

19 **§210-7 PROMOTIONS**
20

21 A. ALL PROMOTIONS WITHIN THE MERIT SYSTEM WILL BE ACCOMPLISHED
22 BY COMPETITIVE PROCESS AS SET FORTH IN THE ADMINISTRATIVE AND
23 OPERATIONAL MANUAL OF THE OFFICE OF THE SHERIFF. THE BOARD OF
24 PUBLIC SAFETY WILL REVIEW AND APPROVE THOSE PROMOTIONS THAT
25 ARE NOT MADE IN ACCORDANCE WITH THE PROCESS.

26
27 B. ALL APPLICANTS WILL BE SUBJECT TO THE SAME BACKGROUND
28 INVESTIGATION, PHYSICAL, MENTAL, WRITTEN AND ORAL TESTING, AND

1 SUCH OTHER SCREENING DEVICES AS THE SHERIFF DEEMS NECESSARY TO
2 DETERMINE THAT THE APPLICANTS HAVE THE ABILITY TO PERFORM THE
3 ESSENTIAL FUNCTIONS OF THE POSITION.
4

5 C. THE SHERIFF RETAINS THE RIGHT TO MAKE FIELD PROMOTIONS, AS HE
6 DEEMS APPROPRIATE OUTSIDE THE COMPETITIVE PROMOTIONAL
7 PROCESS.
8

9 D. PROMOTED EMPLOYEES WILL ASSUME THEIR PROMOTION IN A
10 PROBATIONARY STATUS.
11

12 **§210-8 PROBATIONARY STATUS -NEW EMPLOYEE**
13

14 A. EACH NEWLY HIRED EMPLOYEE ACCEPTS THEIR POSITION IN A
15 PROBATIONARY STATUS AND WILL NOT ATTAIN REGULAR STATUS UNTIL
16 ALL CONDITIONS OF PROBATION HAVE BEEN MET. EACH EMPLOYEE WILL
17 SERVE THE FOLLOWING PERIODS OF PROBATION:
18

19 (1) SWORN EMPLOYEES - TWENTY-FOUR (24) MONTHS WITH THE
20 POSSIBILITY OF AN EXTENSION THAT SHALL NOT EXCEED TWELVE
21 (12) MONTHS, AND
22

23 (2) CORRECTIONAL OFFICERS - TWENTY-FOUR (24) MONTHS WITH THE
24 POSSIBILITY OF AN EXTENSION THAT SHALL NOT EXCEED TWELVE
25 (12) MONTHS, AND
26

27 (3) CIVILIAN EMPLOYEES - TWELVE (12) MONTHS WITH THE POSSIBILITY
28 OF AN EXTENSION THAT SHALL NOT EXCEED SIX (6) MONTHS.

- 1
- 2 B. ANY EMPLOYEE, DURING THE PROBATIONARY PERIOD, MAY BE
- 3 DISMISSED, DEMOTED OR TRANSFERRED BY THE SHERIFF. THE
- 4 PROBATIONARY EMPLOYEE HAS NO RECOURSE, REVIEW OR APPEAL
- 5 UNDER THIS ARTICLE.
- 6

7 **§210-9 PROBATIONARY STATUS - TRANSFER OR PROMOTION**

8

- 9 A. PROMOTED OR TRANSFERRED MERIT SYSTEM EMPLOYEES WILL SERVE IN
- 10 A PROBATIONARY STATUS FOR TWELVE (12) MONTHS WITH THE
- 11 POSSIBILITY OF AN EXTENSION THAT SHALL NOT EXCEED SIX (6) MONTHS.
- 12
- 13 B. ANY REGULAR MERIT SYSTEM SWORN OR CORRECTIONAL OFFICER WHO
- 14 IS PROMOTED WITHIN THE MERIT SYSTEM, SHALL RETAIN HIS REGULAR
- 15 STATUS IN THE RANK FROM WHICH HE IS PROMOTED UNTIL REGULAR
- 16 STATUS IS ATTAINED FOR THE PROMOTED RANK OR UNLESS DISMISSED
- 17 OR DEMOTED FOR CAUSE.
- 18
- 19 C. CIVILIAN EMPLOYEES DO NOT SERVE WITHIN A RANK STRUCTURE.
- 20 THEREFORE, IF A CIVILIAN EMPLOYEE FAILS TO MEET THE CONDITIONS
- 21 OF PROBATION IN A POSITION TO WHICH THEY WERE TRANSFERRED OR
- 22 PROMOTED, THEY DO NOT ENJOY ANY RIGHT OF RIGHT OF RETREAT AND
- 23 MAY BE SEPARATED FROM THE AGENCY FOR FAILING TO MEET THE
- 24 TERMS OF THEIR PROBATIONARY STATUS.
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1 **§210-10 REGULAR STATUS; RESIGNATION AND REINSTATEMENT**
2

3 A. A PROBATIONARY MERIT SYSTEM EMPLOYEE SHALL BE RETAINED AND
4 GRANTED REGULAR STATUS AT THE END OF THE PROBATIONARY PERIOD,
5 IF THE EMPLOYEE'S PERFORMANCE DURING THE PROBATIONARY PERIOD
6 IS SATISFACTORY TO THE APPOINTING AUTHORITY. AT THE CONCLUSION
7 OF THE PROBATIONARY PERIOD, THE SHERIFF WILL GIVE WRITTEN
8 NOTICE INFORMING THE EMPLOYEE OF ATTAINMENT OF REGULAR
9 STATUS, THE EXTENSION OF THE PROBATIONARY PERIOD OR DISMISSAL.
10 IN THE EVENT OF EXTENSION OF THE PROBATIONARY PERIOD, THE
11 SHERIFF WILL SET FORTH THE REASON(S) FOR THE EXTENSION,
12 RECOMMENDATIONS TO ASSIST THE EMPLOYEE IN ATTAINING REGULAR
13 STATUS AND THE LENGTH OF THE EXTENSION. THE PROBATIONARY
14 PERIOD FOR NEWLY HIRED SWORN EMPLOYEES AND CORRECTIONAL
15 OFFICERS MAY NOT EXTEND BEYOND A TOTAL OF THIRTY-SIX (36)
16 MONTHS OF PROBATION. THE PROBATIONS PERIOD FOR NEWLY HIRED
17 CIVILIAN EMPLOYEES MAY NOT EXTEND BEYOND A TOTAL OF EIGHTEEN
18 (18) MONTHS OF PROBATION. AT THE END OF THE EXTENSION THE
19 SHERIFF MAY EITHER AWARD REGULAR STATUS OR DISMISS THE
20 EMPLOYEE.

21
22 B. A REGULAR STATUS EMPLOYEE MAY RESIGN HIS POSITION BY INFORMING
23 THE SHERIFF, IN WRITING, OF HIS NEED TO LEAVE AND THE REASON(S)
24 FOR LEAVING HIS POSITION. WHENEVER POSSIBLE, EMPLOYEES SHALL
25 GIVE AT LEAST TWO (2) WEEKS ADVANCE NOTICE. IF A REGULAR STATUS
26 SWORN OR CORRECTIONAL OFFICER LEAVES IN GOOD STANDING AND
27 THE RESIGNATION IS ACCEPTED BY THE SHERIFF WITHOUT PREJUDICE,
28 THE SHERIFF, WITHIN THREE YEARS AFTER THE DATE OF RESIGNATION,

1 MAY REINSTATE THE SWORN EMPLOYEE WITH CREDIT FOR PREVIOUS
2 TIME SERVED FOR PURPOSES OF RETIREMENT BENEFITS, IF THE SHERIFF
3 DETERMINES THAT THERE IS A NEED FOR THE SWORN EMPLOYEES
4 SERVICE. THIS SECTION IS NOT APPLICABLE TO INDIVIDUALS WHO HAVE
5 RETIRED FROM THE CHARLES COUNTY SHERIFF'S OFFICE MERIT SYSTEM.
6

7 **§210-11 TRANSFERS**
8

9 A. THE APPOINTING AUTHORITY MAY MAKE TRANSFERS WITHIN THE MERIT
10 SYSTEM, WHEN NECESSARY TO ATTAIN MAXIMUM EFFICIENCY WITHIN
11 THE AGENCY OR WHEN THE APPOINTING AUTHORITY DEEMS SUCH A
12 TRANSFER TO BE IN THE BEST INTERESTS OF THE PUBLIC OR THE AGENCY.
13

14 B. A REGULAR STATUS EMPLOYEE MAY REQUEST A TRANSFER TO A
15 POSITION AT A LOWER PAY GRADE. SHOULD THE EMPLOYEE ACCEPT THE
16 POSITION AT THE LOWER PAY GRADE, THE EMPLOYEE WILL BE
17 CONSIDERED TO HAVE TAKEN A VOLUNTARY DEMOTION. THE
18 EMPLOYEE WHO TAKES A VOLUNTARY DEMOTION ENJOYS NO RIGHT TO
19 RETREAT TO THE POSITION WITH A HIGHER PAY GRADE.
20

21 **§210-12 DISMISSAL, DEMOTION AND SUSPENSION**
22

23 NOTHING IN THESE SECTIONS SHALL BE INTERPRETED TO ABRIDGE OR
24 SUPERSEDE ANY RIGHT GRANTED ANY SWORN EMPLOYEE UNDER THE LAW
25 ENFORCEMENT OFFICER'S BILL OF RIGHTS OR ANY EMPLOYEE UNDER FEDERAL
26 OR STATE LAW.
27
28

- 1 A. THE TENURE OF EVERY EMPLOYEE SHALL BE CONDITIONED ON GOOD
2 BEHAVIOR AND THE SATISFACTORY PERFORMANCE OF THE DUTIES OF
3 THEIR POSITION. ANY EMPLOYEE MAY BE TEMPORARILY SEPARATED BY
4 LAYOFF OR SUSPENSION AND REGULARLY SEPARATED BY DISMISSAL.
5
6 B. WHEN NECESSARY, DUE TO A LACK OF WORK OR FUNDS, THE SHERIFF
7 MAY DESIGNATE LAYOFFS. EMPLOYEES IN THE DESIGNATED POSITIONS
8 SHALL BE LAID OFF IN INVERSE ORDER OF THEIR LENGTH OF SERVICE
9 AND QUALITY OF SERVICE. PROBATIONARY EMPLOYEES SHALL BE LAID
10 OFF BEFORE REGULAR EMPLOYEES.
11
12 C. WHEN AN EMPLOYEE'S WORK PERFORMANCE OR CONDUCT JUSTIFIES
13 DISCIPLINARY ACTION, THE SHERIFF MAY TAKE ANY APPROPRIATE
14 DISCIPLINARY ACTION TO INCLUDE BUT NOT LIMITED TO, SUSPENDING
15 AN EMPLOYEE WITH OR WITHOUT PAY, REMOVING, DEMOTING OR
16 DISMISSING AN EMPLOYEE FROM HIS POSITION OR TAKE ANY LESSER
17 ACTION HE DEEMS APPROPRIATE.
18
19 D. ANY ACT, ACTIVITY, FAILURE TO ACT OR PERFORM THE ESSENTIAL
20 FUNCTIONS OF A POSITION BY ANY EMPLOYEE, BY ITSELF OR IN
21 AGGREGATE WITH PAST OCCURRENCES SHALL BE GROUNDS FOR
22 DISCIPLINARY ACTION.

23
24 **§210-13 APPEAL PROCEDURES**
25

26 ALL MERIT SYSTEM EMPLOYEES SHALL HAVE THE RIGHT AND OPPORTUNITY TO
27 BE HEARD WITH RESPECT TO ANY PUNITIVE ACTION TAKEN AGAINST THEM AS
28 SET FORTH IN THE SHERIFF'S ADMINISTRATIVE AND OPERATIONAL MANUAL.

1 **§210-14 PAY PLAN**

- 2
- 3 A. THE SHERIFF SHALL ESTABLISH A WRITTEN PAY PLAN FOR ALL
- 4 EMPLOYEES THE OFFICE OF THE SHERIFF.
- 5
- 6 B. AS PART OF THE BUDGET PROCESS EACH YEAR, THE SHERIFF WILL SUBMIT
- 7 THE PROPOSED PAY PLAN FOR THE APPROVAL OF THE COUNTY
- 8 COMMISSIONERS. **THE PAY PLAN FUNDED SHALL BE THE SHERIFF'S PAY**
- 9 **PLAN.**
- 10
- 11 C. THE SALARIES OF SWORN EMPLOYEES BASED UPON RANK AND LENGTH
- 12 OF SERVICE SHALL CORRESPOND TO THE DEPARTMENT OF STATE POLICE
- 13 SALARY PLAN, TO INCLUDE LONGEVITY STEPS, ESTABLISHED UNDER THE
- 14 AUTHORITY OF ARTICLE 88B §23 OF THE ANNOTATED CODE OF
- 15 MARYLAND. THE PAY PLAN WILL CHANGE IN ACCORDANCE WITH ANY
- 16 CHANGE IN THE DEPARTMENT OF STATE POLICE PAY SCHEDULE.
- 17
- 18 D. THE PAY PLAN FOR NON-SWORN EMPLOYEES WILL BE DEVELOPED BY THE
- 19 SHERIFF TO OFFER A RANGE OF PAY COMMENSURATE WITH THE DUTIES
- 20 AND RESPONSIBILITIES ENUMERATED IN THE EMPLOYEE'S POSITION
- 21 DESCRIPTION. THE SHERIFF MAY PETITION THE COUNTY COMMISSIONERS
- 22 TO ELEVATE SUCH PAY GRADES AS NECESSARY TO COMPENSATE FOR THE
- 23 HIGHER LEVEL OF SECURITY EXPECTED OF PERSONNEL IN PUBLIC SAFETY
- 24 POSITIONS AND TO COMPETE WITH SURROUNDING JURISDICTIONS TO
- 25 ATTRACT THE SPECIALIZED TALENTS UNIQUE TO THE PUBLIC SAFETY
- 26 COMMUNITY.
- 27
- 28

1 **§210-15 HOURS OF WORK AND LEAVE**

2
3 HOURS OF WORK SHALL BE AS DESCRIBED IN THE EMPLOYEE'S POSITION
4 DESCRIPTION AS PUBLISHED IN THE ADMINISTRATIVE AND OPERATIONAL
5 MANUAL OR WORK SCHEDULE, OR AS ASSIGNED FROM TIME TO TIME BY THE
6 SHERIFF. LEAVE WILL BE ADMINISTERED AS PUBLISHED IN THE
7 ADMINISTRATIVE AND OPERATIONAL MANUAL.

8
9 **§210-16 DISCRIMINATORY PRACTICES PROHIBITED**

- 10
11 A. MERIT SYSTEM EMPLOYEES SHALL BE SELECTED WITHOUT REGARD TO
12 POLITICAL CONSIDERATIONS, EXCEPT THAT POLITICAL BELIEF OR
13 AFFILIATION SUBVERSIVE TO THE LAWS OF THE STATE OF MARYLAND
14 AND THE UNITED STATES OF AMERICA SHALL BE DISQUALIFYING.
- 15
16 B. THERE SHALL BE NO DISCRIMINATION AGAINST ANY PERSON SEEKING
17 EMPLOYMENT OR EMPLOYED IN THE MERIT SYSTEM BASED ON THE
18 INDIVIDUAL'S AGE, ANCESTRY, COLOR, CREED, MARITAL STATUS,
19 MENTAL OR PHYSICAL DISABILITY, NATIONAL ORIGIN, RACE, RELIGIOUS
20 AFFILIATION, OR SEX. WITH THE EXCEPTION THAT A PERSONNEL ACTION
21 MAY BE TAKEN WITH REGARD TO AGE, SEX, OR DISABILITY TO THE
22 EXTENT THAT AGE, SEX, PHYSICAL OR MENTAL QUALIFICATION IS
23 REQUIRED BY LAW OR IS A BONA FIDE OCCUPATIONAL QUALIFICATION.
- 24
25 C. PRIOR CONVICTION OF A FELONY CRIME INVOLVING LOSS OF
26 CITIZENSHIP SHALL BE AUTOMATICALLY DISQUALIFYING.
- 27
28

1 **§210-17 RETIREMENT PROVISIONS**

2
3 A. RETIREMENT FOR SWORN LAW ENFORCEMENT OFFICERS,
4 CORRECTIONAL OFFICERS AND COMMUNICATIONS EMPLOYEES
5 WILL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE 25 §3 OF
6 THE ANNOTATED CODE OF MARYLAND.

7
8 B. RETIREMENT FOR CIVILIAN EMPLOYEES WILL BE ADMINISTERED IN
9 ACCORDANCE WITH THE CHARLES COUNTY GOVERNMENT
10 EMPLOYEES' RETIREMENT PLAN.

11
12 **§210-18 AMENDMENT PROCEDURES**

13
14 THE SHERIFF, IN COORDINATION WITH THE COUNTY COMMISSIONERS SHALL
15 MAKE ANY CHANGES TO THE MERIT SYSTEM HE DEEMS APPROPRIATE.

16
17 A. ANY PROPOSED AMENDMENTS TO THIS ARTICLE SHALL FIRST BE
18 REFERRED TO THE SHERIFF.

19
20 B. THE SHERIFF SHALL REVIEW ANY PROPOSED AMENDMENTS AND SHALL
21 REFER THE PROPOSED AMENDMENTS, ALONG WITH THE SHERIFF'S
22 RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS.

23
24 C. THE BOARD OF COUNTY COMMISSIONERS UPON RECEIPT OF PROPOSED
25 AMENDMENTS:

26
27 1. MAY DECIDE TO ADOPT ALL OR PART OF THE PROPOSED
28 AMENDMENTS OR THE SHERIFF'S RECOMMENDATIONS.

1
2 2. MAY DECLINE TO ADOPT THE PROPOSED AMENDMENTS.

3
4 3. MAY DECIDE TO HOLD PUBLIC HEARINGS ON THE PROPOSED
5 AMENDMENTS OR CHANGES, PROVIDED THAT AT LEAST **SEVEN (7)**
6 DAYS NOTICE OF THE TIME AND PLACE OF SUCH A HEARING SHALL
7 BE PUBLISHED IN A PAPER OF GENERAL CIRCULATION IN THE
8 COUNTY.

9 4. SHALL DECIDE TO REJECT OR MAKE THE PROPOSED AMENDMENT
10 OR CHANGE TO THIS ARTICLE IN ACCORDANCE WITH THE
11 PROCEDURES GOVERNING THE ORDINANCE-MAKING POWERS OF
12 THE BOARD OF COUNTY COMMISSIONERS OF CHARLES COUNTY.

13
14 **SECTION 2.** BE IT FURTHER ENACTED, that this Act shall take effect [FORTY-FIVE
15 (45)] calendar days after it becomes law.